



UPDATE – OFFICE OF STATE PUBLIC DEFENDER

State Office. The [Office of the State Public Defender](#) provides indigent criminal defendants and indigent juvenile clients with legal counsel per Iowa Code chapters [13B](#) and [815](#). A judge determines indigence, based on statute, and appoints a public defender. If a public defender is unavailable, the judge appoints a private attorney. The Office of the State Public Defender oversees 19 local public defender offices that provide services in all 99 counties, and administers the Indigent Defense Fund that reimburses private attorneys, expert witnesses, court reporters of depositions, private investigators, interpreters, and other providers for their service in legal proceedings on behalf of indigent clients.

Structure. Woodbury, Black Hawk, and Polk Counties have two offices each, one primarily for juvenile justice services and one for adult defendants. The juvenile offices also provide counsel to indigent adults when conflicts exist. In addition, Polk County serves as the Central Administrative Office, Appellate Defender Office, the Special Defense Unit (SDU), and provides statewide services. The Appellate Defender's Office is appointed first in all appeals for indigent clients. From time to time due to conflicts or workload, the Appellate Defender withdraws from representation, and a private attorney is court appointed to handle the appeal.

Special Defense Unit. The SDU serves as:

- Counsel to plaintiffs involved in Iowa Code chapter [229A](#) proceedings while they are held at the Newton Correctional Facility and if they are committed to the Civil Commitment Unit for Sexual Offenders ([CCUSO](#)) for treatment.
- The State Public Defender's designee to be court appointed first to represent indigent criminal defendants charged with Class A felonies in Adair, Adams, Clarke, Decatur, Guthrie, Ringgold, Taylor, and Union Counties.
- The State Public Defender's designee to be appointed first to represent indigent criminal defendants charged with Class A and Class B felonies in Jasper, Madison, and Marion Counties.
- The Conflicts Office in lieu of other public defender offices if those particular offices have a conflict in many counties throughout the state.
- The Office for Court Appointments in certain broad categories of cases on an as-needed basis, such as when it handled most of the resentencings for juveniles who had been ordered to serve life sentences without the possibility of parole.
- The Wrongful Convictions Division created in 2015 within the existing budget. This Division has one attorney to handle postconviction relief proceedings statewide.

Gideon Fellows. The 2014 General Assembly created four Gideon Fellowships in Iowa Code section [13B.12](#). Two positions have been filled and these Gideon Fellows will begin employment once they pass the Iowa bar exam. Two more positions are authorized in FY 2016 to be filled in FY 2017. Fellowships are two-year appointments; candidates must graduate from law school and pass the bar exam before starting employment with the Office of the State Public Defender. Gideon Fellows may work in a local office, the State Public Defender's Office, the SDU, or the Appellate Defender's Office.

Deposition Unit. There is one Secretary housed at the Polk County Courthouse that coordinates depositions of witnesses in indigent criminal defense cases. The secretary schedules the room at the Courthouse made available for these depositions and arranges for a court reporter to be present to take the depositions. The Secretary also coordinates the presence of the Defendant at the deposition if the Defendant is incarcerated. To the extent the Secretary has any extra time, the Central Administrative Office uses the Secretary in its claims review process for the Indigent Defense Fund.

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